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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,611	06/07/2001	Ryan J. Snodgrass	AMAZON.074A	9007

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EXAMINER

VAN BRAMER, JOHN W

ART UNIT PAPER NUMBER

3622

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/876,611	<b>Applicant(s)</b> SNODGRASS ET AL.	
	<b>Examiner</b> John Van Bramer	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-65 is/are rejected.
- 7) ☒ Claim(s) 44, 45, 57 and 58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>62006</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on August 7, 2006 cancelled Claims 1-37. No claims were amended and Claims 38-65 were added. Thus the currently pending claims are Claims 38-65.

### ***Claim Objections***

2. Claims 44, 45, 57, and 58 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The applicant is claiming a "landing page" in Claims 44 and 45. However, the examiner has been unable to find the term "landing page" in the applicants disclosure. Therefore, the landing page is no further limiting than the term "target web site" recited in Claim 38. Since Claims 44 and 45 depend from Claim 38 the term "landing page" does not further limit Claim 38. Additionally, Claim 45 recites that the landing page is a "product detail page". However, Claim 38 recites that the identified product items are displayed on the target web site. Since the products are displayed in Claim 38, the displayed page is already a "product detail page".

### ***Claim Rejections - 35 USC § 101***

3. The amendment filed on August 7, 2006 cancelled Claims 1-37 thereby correcting 35 U.S.C. 101 rejection of Claims 34-37 presented by the examiner in the Office Action dated April 10, 2006 and the examiner hereby withdraws that rejection.

***Claim Rejections - 35 USC § 112***

4. The amendment filed on August 7, 2006 cancelled Claims 1-37 thereby correcting 35 U.S.C. 112 rejection of Claims 34-37 presented by the examiner in the Office Action dated April 10, 2006 and the examiner hereby withdraws that rejection.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 46 and 59 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Claim 46 is directed towards displaying the items on a referring web site. Claim 38 from which Claim 46 depends describes no mechanism by which interaction of any type can occur on the referring website.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 38-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Aggarwal et al. (U.S. Patent Number: 6,356,879) in view of Zaiane et al.

("Discovering Web Access Patterns and Trends by Applying OLAP and Data Mining Technology on Web Logs, Proceedings of the Advances in Digital Libraries Conference, P. 19, April 22-24, 1998)

Claims 38, 46, 48, and 50, 52, 53, 59, 61, 62, and 65: Aggarwal and Zaiane disclose a computer-implemented method and system, comprising:

- a. Aggarwal discloses tracking users on-line browsing behavior for use on a web site that hosts a catalog of items (Col 2, lines 9-14). While Aggarwal does not explicitly state that this browsing behavior includes tracking the web site from which the user was referred when a user selects a link provided on the referring web site, the analogous teachings of Zaiane disclose that information regarding the referring web site is standard data that is collected and logged by web servers. Standard web mining tools such as Getstats, Analog, Microsoft Interse Market Focus, and WebTrends data regarding the referring web site and include it in standardized reports (Page 1, Col 1 Paragraph 3 through Page 1, Col 2, Paragraph 2). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to

include this information in the browsing behavior disclosed by Aggarwal. One would have been motivated to include browsing behavior information regarding the referring site, because the data is readily available and provides additional quantifiable data from which Aggarwal can use to improve customer characterizations and personalize recommendations to peer groups.

- b. Aggarwal discloses identifying a group of users based on browsing and purchasing behavior. While Aggarwal does not explicitly state that information regarding the referring site is part of the disclosed browsing behavior, the analogous art of Zaiane discloses that browsing behavior commonly logged by web servers include information such as referring web sites, URL requests, and browser type (Page 1, Col 1 Paragraph 3 through Page 1, Col 2, Paragraph 2). Therefore it would have been obvious to one of ordinary skill at the time the invention was made to include this information in the browsing criteria disclosed by Aggarwal. One would have been motivated to include browsing behavior information regarding the referring site, because the data is readily available and provides additional quantifiable data from which Aggarwal can use to improve customer characterizations and personalize recommendations to peer groups. When the referring information is included as browsing behavior Aggarwal discloses using this information to identify a group of users based on this information.(Aggarwal: Col 5, lines 6-17)

- c. Aggarwal discloses collecting user activity data reflective of preferences of particular users for particular items represented in the electronic catalog of items, said user activity data encompassing actions of both members and non-members of said group of users. (Aggarwal: Col 7, lines 1-16)
- d. Aggarwal discloses identifying a set of items that correspond to group preferences of said group of users, wherein the set of items is identified based on the collected user activity data of both the members and the non-members of said group of users. (Aggarwal: Col 5, lines 6-17 and Col 7, lines 18-42)
- e. Aggarwal discloses causing the set of items to be displayed (a) on the target web site to users who are referred thereto from a referring web site in said subset of referring web sites, and/or (b) on a referring web site in said subset of referring web sites. (Aggarwal: Col 8, lines 50-57)

The disclosed sections of the prior art are capable of performing the steps multiple times and can be executed when there is a single referring site or a number of referring sites.

Claim 39: Aggarwal and Zaiane disclose the method of Claim 38, wherein identifying the set of items comprises programmatically analyzing the collected user activity data of the members and non-members of the group to identify items

that are significantly more popular among the group of users than in the general user population. (Aggarwal: Col 7, lines 1-55)

Claim 40: Aggarwal and Zaiane disclose the method of Claim 38, wherein identifying the set of items comprises programmatically analyzing the collected user activity data of the members and non-members of the group to identify items for which the group's preferences are significantly greater than the general user population's preferences. (Aggarwal: Col 7, lines 1-55)

Claim 41 and 54: Aggarwal and Zaiane disclose the method of Claim 38 and system of claim 53 respectively, wherein the user activity data comprises data descriptive of item purchases made by users. (Aggarwal: Col 2, lines 34-39)

Claim 42 and 55: Aggarwal and Zaiane disclose the method of Claim 38 and system of claim 53 respectively, wherein the user activity data comprises user specific item viewing histories. (Aggarwal: Col 2, lines 34-39)

Claims 43, 44, 45, 56, 57, 58: Aggarwal and Zaiane disclose the method of Claim 38 and system of claim 53 respectively, wherein the method comprises causing the set of items to be displayed on the target web site to users who are referred



thereto from a referring web site in said subset of referring web sites. (Aggarwal: Col 8, lines 50-57)

Claims 47 and 60: Aggarwal and Zaiane disclose the method of Claim 38 and system of claim 53 respectively, wherein the set of items is caused to be displayed. While it could be argued that Aggarwal and Zaiane does not teach that a community name associated with said group of users is displayed. The argument would be based upon differences only found in the nonfunctional descriptive material and are not functionally involved in the method (or structurally programmed) steps recited. The steps would be performed the same regardless of data content. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of Patentability, see *In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill at the time of the invention to have displayed any type of data content in combination with the items. Such data content does not functionally relate to the steps and the subjective interpretation of the data content does not patentably distinguish the claimed invention.

Claims 49 and 63: Aggarwal and Zaiane disclose the method of Claim 38 and system of claim 53 respectively. While it could be argued that Aggarwal and Zaine do not specifically recite that the subset of referring web sites includes one

or more associate web sites. The argument would be based upon differences only found in the nonfunctional descriptive material and are not functionally involved in the method (or structurally programmed) steps recited. The recited steps provide no mechanism by which an associate web site would definitively refer a user to the target web site. Instead, the claim step, based upon Claim 38 from which it depends, is only enabled by mere chance based upon the applicant's disclosure that associate programs are well known (Specification: Page 1, lines 20 – 31). The steps would be performed the same manner regardless of whether the referring site is an associate site as well. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of Patentability, see *In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill at the time of the invention to have referring websites that turn out to be associates web sites. Such data content does not functionally relate to the steps and the subjective interpretation of the data content does not patentably distinguish the claimed invention.

Claims 51 and 64: Aggarwal and Zaiane disclose the method of Claim 38 and system of claim 53 respectively, wherein the items are available for purchase from the target web site. While it could be argued that Aggarwal and Zaine do not specifically recite that the products disclosed are books. The argument would be based upon differences only found in the nonfunctional descriptive material and are

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not functionally involved in the method (or structurally programmed) steps recited. The steps would be performed the same regardless of the type of product. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of Patentability, see *In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill at the time of the invention to have the system recommend any type of product. Such data content does not functionally relate to the steps and the subjective interpretation of the data content does not patentably distinguish the claimed invention.

### ***Response to Arguments***

9. The applicant cancelled all previous claims and the arguments were directed towards the newly created Claims 38-65. Thus the rejections and objections of Claims 38-65 have been addressed above.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

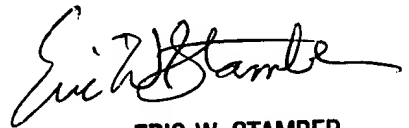
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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